

curity Management Act of 2002”, see section 1001(a) of Pub. L. 107–296, set out as a note under section 101 of this title.

§ 512. Construction

Nothing in this chapter, or the amendments made by this chapter, affects the authority of the National Institute of Standards and Technology or the Department of Commerce relating to the development and promulgation of standards or guidelines under paragraphs (1) and (2) of section 278g–3(a) of title 15.

(Pub. L. 107–296, title X, §1006, Nov. 25, 2002, 116 Stat. 2273.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 107–296, Nov. 25, 2002, 116 Stat. 2135, known as the Homeland Security Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Tables.

§ 513. Federal air marshal program

(1) Sense of Congress

It is the sense of Congress that the Federal air marshal program is critical to aviation security.

(2) Limitation on statutory construction

Nothing in this chapter, including any amendment made by this chapter, shall be construed as preventing the Under Secretary of Transportation for Security from implementing and training Federal air marshals.

(Pub. L. 107–296, title XIV, §1402(c), Nov. 25, 2002, 116 Stat. 2305.)

REFERENCES IN TEXT

This chapter, referred to in par. (2), was in the original “this Act”, meaning Pub. L. 107–296, Nov. 25, 2002, 116 Stat. 2135, known as the Homeland Security Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Tables.

SUBCHAPTER XI—DEPARTMENT OF JUSTICE DIVISIONS

PART A—EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

§ 521. Legal status of EOIR

(a) ¹ Existence of EOIR

There is in the Department of Justice the Executive Office for Immigration Review, which shall be subject to the direction and regulation of the Attorney General under section 1103(g) of title 8.

(Pub. L. 107–296, title XI, §1101, Nov. 25, 2002, 116 Stat. 2273.)

EFFECTIVE DATE

Pub. L. 107–296, title XI, §1104, as added by Pub. L. 108–7, div. L, §105(a)(3), Feb. 20, 2003, 117 Stat. 531, provided that: “The provisions of this subtitle [subtitle A (§§1101–1104) of title XI of Pub. L. 107–296, enacting this part and amending section 1103 of Title 8, Immigration and Nationality] shall take effect on the date of the transfer of functions from the Commissioner of Immigration and Naturalization to officials of the Depart-

ment of Homeland Security [functions transferred Mar. 1, 2003]”.

§ 522. Statutory construction

Nothing in this chapter, any amendment made by this chapter, or in section 1103 of title 8, shall be construed to limit judicial deference to regulations, adjudications, interpretations, orders, decisions, judgments, or any other actions of the Secretary of Homeland Security or the Attorney General.

(Pub. L. 107–296, title XI, §1103, Nov. 25, 2002, 116 Stat. 2274.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 107–296, Nov. 25, 2002, 116 Stat. 2135, known as the Homeland Security Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Tables.

PART B—TRANSFER OF THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS TO THE DEPARTMENT OF JUSTICE

§ 531. Bureau of Alcohol, Tobacco, Firearms, and Explosives

(a) Establishment

(1) In general

There is established within the Department of Justice under the general authority of the Attorney General the Bureau of Alcohol, Tobacco, Firearms, and Explosives (in this section referred to as the “Bureau”).

(2) Director

There shall be at the head of the Bureau a Director, Bureau of Alcohol, Tobacco, Firearms, and Explosives (in this part referred to as the “Director”). The Director shall be appointed by the Attorney General and shall perform such functions as the Attorney General shall direct. The Director shall receive compensation at the rate prescribed by law under section 5314 of title V¹ for positions at level III of the Executive Schedule.

(3) Coordination

The Attorney General, acting through the Director and such other officials of the Department of Justice as the Attorney General may designate, shall provide for the coordination of all firearms, explosives, tobacco enforcement, and arson enforcement functions vested in the Attorney General so as to assure maximum cooperation between and among any officer, employee, or agency of the Department of Justice involved in the performance of these and related functions.

(4) Performance of transferred functions

The Attorney General may make such provisions as the Attorney General determines appropriate to authorize the performance by any officer, employee, or agency of the Department of Justice of any function transferred to the Attorney General under this section.

(b) Responsibilities

Subject to the direction of the Attorney General, the Bureau shall be responsible for investigating—

¹ So in original. No subsec. (b) has been enacted.

¹ So in original. Probably should be title “5”.

(1) criminal and regulatory violations of the Federal firearms, explosives, arson, alcohol, and tobacco smuggling laws;

(2) the functions transferred by subsection (c) of this section; and

(3) any other function related to the investigation of violent crime or domestic terrorism that is delegated to the Bureau by the Attorney General.

(c) Transfer of authorities, functions, personnel, and assets to the Department of Justice

(1) In general

Subject to paragraph (2), but notwithstanding any other provision of law, there are transferred to the Department of Justice the authorities, functions, personnel, and assets of the Bureau of Alcohol, Tobacco and Firearms, which shall be maintained as a distinct entity within the Department of Justice, including the related functions of the Secretary of the Treasury.

(2) Administration and revenue collection functions

There shall be retained within the Department of the Treasury the authorities, functions, personnel, and assets of the Bureau of Alcohol, Tobacco and Firearms relating to the administration and enforcement of chapters 51 and 52 of title 26, sections 4181 and 4182 of title 26, and title 27.

(3) Building prospectus

Prospectus PDC-98W10, giving the General Services Administration the authority for site acquisition, design, and construction of a new headquarters building for the Bureau of Alcohol, Tobacco and Firearms, is transferred, and deemed to apply, to the Bureau of Alcohol, Tobacco, Firearms, and Explosives established in the Department of Justice under subsection (a) of this section.

(d) Tax and Trade Bureau

(1) Establishment

There is established within the Department of the Treasury the Tax and Trade Bureau.

(2) Administrator

The Tax and Trade Bureau shall be headed by an Administrator, who shall perform such duties as assigned by the Under Secretary for Enforcement of the Department of the Treasury. The Administrator shall occupy a career-reserved position within the Senior Executive Service.

(3) Responsibilities

The authorities, functions, personnel, and assets of the Bureau of Alcohol, Tobacco and Firearms that are not transferred to the Department of Justice under this section shall be retained and administered by the Tax and Trade Bureau.

(Pub. L. 107-296, title XI, § 1111, Nov. 25, 2002, 116 Stat. 2274.)

REFERENCES IN TEXT

This part, referred to in subsec. (a)(2), was in the original “this subtitle”, meaning subtitle B (§§ 1111–1115) of title XI of Pub. L. 107-296, Nov. 25, 2002,

116 Stat. 2274, which enacted this part and section 3051 of Title 18, Crimes and Criminal Procedure, amended sections 8D and 9 of the Inspector General Act of 1978, Pub. L. 95-452, set out in the Appendix to Title 5, Government Organization and Employees, section 1445-3 of Title 7, Agriculture, section 1701 of Title 8, Aliens and Nationality, section 2223b of Title 15, Commerce and Trade, sections 841 to 847, 921 to 923, 925, 926, 1261, 1952, 2341, 2343, and 2346 of Title 18, sections 6103 and 7801 of Title 26, Internal Revenue Code, section 2006 of Title 28, Judiciary and Judicial Procedure, sections 713 and 9703 of Title 31, Money and Finance, sections 10502 and 13921 of Title 42, The Public Health and Welfare, sections 80303 and 80304 of Title 49, Transportation, and provisions set out as a note under section 921 of Title 18. For complete classification of subtitle B to the Code, see Tables.

§ 532. Explosives Training and Research Facility

(a) Establishment

There is established within the Bureau an Explosives Training and Research Facility at Fort AP Hill, Fredericksburg, Virginia.

(b) Purpose

The facility established under subsection (a) of this section shall be utilized to train Federal, State, and local law enforcement officers to—

- (1) investigate bombings and explosions;
- (2) properly handle, utilize, and dispose of explosive materials and devices;
- (3) train canines on explosive detection; and
- (4) conduct research on explosives.

(c) Authorization of appropriations

(1) In general

There are authorized to be appropriated such sums as may be necessary to establish and maintain the facility established under subsection (a) of this section.

(2) Availability of funds

Any amounts appropriated pursuant to paragraph (1) shall remain available until expended.

(Pub. L. 107-296, title XI, § 1114, Nov. 25, 2002, 116 Stat. 2280.)

§ 533. Personnel Management Demonstration Project

Notwithstanding any other provision of law, the Personnel Management Demonstration Project established under section 102 of title I of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act for Fiscal Year 1999 (Public Law 105-277; 122¹ Stat. 2681-585) shall be transferred to the Attorney General of the United States for continued use by the Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice, and the Secretary of the Treasury for continued use by the Tax and Trade Bureau.

(Pub. L. 107-296, title XI, § 1115, Nov. 25, 2002, 116 Stat. 2280.)

REFERENCES IN TEXT

Section 102 of title I of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act for Fiscal Year 1999, referred to in text, probably means section 102 of title I of div. C of the Omni-

¹ So in original. Probably should be “112”.

bus Consolidated and Emergency Supplemental Appropriations Act, 1999, Pub. L. 105-277, which amended section 122 of Pub. L. 105-119, classified as a note under section 3104 of Title 5, Government Organization and Employees.

SUBCHAPTER XII—TRANSITION

PART A—REORGANIZATION PLAN

§ 541. Definitions

For purposes of this subchapter:

- (1) The term “agency” includes any entity, organizational unit, program, or function.
- (2) The term “transition period” means the 12-month period beginning on the effective date of this chapter.

(Pub. L. 107-296, title XV, § 1501, Nov. 25, 2002, 116 Stat. 2307.)

REFERENCES IN TEXT

The effective date of this chapter, referred to in par. (2), is 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of this title.

§ 542. Reorganization plan

(a) Submission of plan

Not later than 60 days after November 25, 2002, the President shall transmit to the appropriate congressional committees a reorganization plan regarding the following:

- (1) The transfer of agencies, personnel, assets, and obligations to the Department pursuant to this chapter.
- (2) Any consolidation, reorganization, or streamlining of agencies transferred to the Department pursuant to this chapter.

(b) Plan elements

The plan transmitted under subsection (a) of this section shall contain, consistent with this chapter, such elements as the President deems appropriate, including the following:

- (1) Identification of any functions of agencies transferred to the Department pursuant to this chapter that will not be transferred to the Department under the plan.
- (2) Specification of the steps to be taken by the Secretary to organize the Department, including the delegation or assignment of functions transferred to the Department among officers of the Department in order to permit the Department to carry out the functions transferred under the plan.
- (3) Specification of the funds available to each agency that will be transferred to the Department as a result of transfers under the plan.
- (4) Specification of the proposed allocations within the Department of unexpended funds transferred in connection with transfers under the plan.
- (5) Specification of any proposed disposition of property, facilities, contracts, records, and other assets and obligations of agencies transferred under the plan.
- (6) Specification of the proposed allocations within the Department of the functions of the agencies and subdivisions that are not related directly to securing the homeland.

(c) Modification of plan

The President may, on the basis of consultations with the appropriate congressional committees, modify or revise any part of the plan until that part of the plan becomes effective in accordance with subsection (d) of this section.

(d) Effective date

(1) In general

The reorganization plan described in this section, including any modifications or revisions of the plan under subsection (d) of this section, shall become effective for an agency on the earlier of—

- (A) the date specified in the plan (or the plan as modified pursuant to subsection (d) of this section), except that such date may not be earlier than 90 days after the date the President has transmitted the reorganization plan to the appropriate congressional committees pursuant to subsection (a) of this section; or
- (B) the end of the transition period.

(2) Statutory construction

Nothing in this subsection may be construed to require the transfer of functions, personnel, records, balances of appropriations, or other assets of an agency on a single date.

(3) Supersedes existing law

Paragraph (1) shall apply notwithstanding section 905(b) of title 5.

(Pub. L. 107-296, title XV, § 1502, Nov. 25, 2002, 116 Stat. 2308.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (b), was in the original “this Act”, meaning Pub. L. 107-296, Nov. 25, 2002, 116 Stat. 2135, known as the Homeland Security Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 101 of this title and Tables.

DEPARTMENT OF HOMELAND SECURITY

REORGANIZATION PLAN

November 25, 2002

H. Doc. No. 108-16, 108th Congress, 1st Session,
provided:

INTRODUCTION

This Reorganization Plan is submitted pursuant to Section 1502 of the Department [sic] of Homeland Security Act of 2002 [6 U.S.C. 542] (“the Act”), which requires submission, not later than 60 days after enactment [Nov. 25, 2002], of a reorganization plan regarding two categories of information concerning plans for the Department of Homeland Security (“the Department” or “DHS”):

- (1) The transfer of agencies, personnel, assets, and obligations to the Department pursuant to this Act [Pub. L. 107-296, Nov. 25, 2002, 116 Stat. 2135].

(2) Any consolidation, reorganization, or streamlining of agencies transferred to the Department pursuant to this Act. Section 1502(a).

Section 1502(b) of the Act identifies six elements, together with other elements “as the President deems appropriate,” as among those for discussion in the plan. Each of the elements set out in the statute is identified *verbatim* below, followed by a discussion of current plans with respect to that element.

This plan is subject to modification pursuant to Section 1502(d) of the Act, which provides that on the basis